



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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January 23, 2014

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TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO *RHG*  
Assistant County Counsel  
Law Enforcement Services Division

RE: Susan Eng, et al. v. Pacific Clinics, et al.  
United States District Court Case No. CV 12-10892

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of February 4, 2014.

RHG:scr

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Susan Eng, et al. vs. Pacific Clinics, et al., United States District Court Case Number CV 12-10892 in the amount of \$1,845,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of wrongful death by Sheriff's Deputies.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Susan P. Eng, et al. vs. Pacific Clinics, et al.
CASE NUMBER	CV 12-10892
COURT	United States District Court
DATE FILED	November 14, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,845,000
ATTORNEY FOR PLAINTIFF	Girardi and Keese
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiffs Susan P. Eng, Vincent Eng, Vinly Eng, Get Lim, Ek Tek Eng, and Nancy Eng allege wrongful death and civil rights violations arising out of the shooting and subsequent death of Jazmyne Ha Eng by Sheriff's Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Jazmyn Ha Eng's actions.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$1,845,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	68,361
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PAID COSTS, TO DATE	\$	2,342
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Case Name: Susan P. Eng, et al. v. Pacific Clinics, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Wednesday, January 4, 2012; approximately 3:28 p.m.
Briefly provide a description of the incident/event:	<p><b><u>Susan P. Eng v. Pacific Clinics, et al.</u></b> Summary Corrective Action Plan No. 2013-032</p> <p>On Wednesday, January 4, 2012, at approximately 3:28 p.m., several Los Angeles County deputy sheriffs assigned to the Los Angeles County Sheriff's Department's Temple Station drove to 9353 East Valley Boulevard, Rosemead, after receiving a priority radio call of a mentally ill woman holding a hammer in the lobby of a mental health clinic.</p> <p>When the deputy sheriffs arrived at the clinic, a clinic employee directed them to the main lobby in the building. Two deputy sheriffs contacted a woman holding a hammer in a threatening manner. One deputy sheriff instructed the woman to drop the hammer. When the woman did not comply with the deputy sheriff's instructions, he deployed a TASER device. Unfortunately, the device had no effect on the woman or her behavior.</p> <p>When the woman raised the hammer over her head and began to approach the deputy sheriff, a second deputy sheriff discharged his duty weapon, striking the woman in the hand. After the woman regained her composure, she advanced on the first deputy sheriff threatening him with the hammer. Fearing the woman was going to strike his partner with the hammer, the second deputy sheriff discharged his weapon again, striking the woman in the chest.</p> <p>The woman was pronounced dead at the scene.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is a confrontation between a mentally ill woman armed with a hammer and two members of the Los Angeles County Sheriff's Department.

This section intentionally left blank.

County of Los Angeles  
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau and Internal Affairs Bureau.

The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. The office of the Los Angeles County District Attorney concluded that the deputy sheriff who discharged his duty weapon acted in lawful self-defense and defense of others.

On April 17, 2013, the results of the investigation were presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee reviewed the conduct of the two deputy sheriffs involved in the incident. As a result, appropriate administrative action was imposed upon two members of the Los Angeles County Sheriff's Department.

3. Are the corrective actions addressing department-wide system issues?

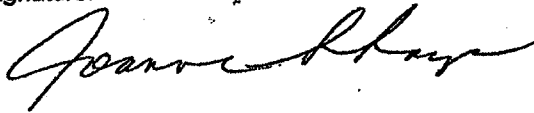
- ☐ Yes – The corrective actions address department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Joanne Sharp, Captain  
Risk Management Bureau

Signature:



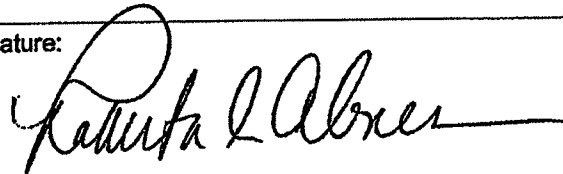
Date:

12-16-13

Name: (Department Head)

Roberta A. Abner, Chief  
Internal Investigations Division

Signature:



Date:

12-19-13

County of Los Angeles  
Summary Corrective Action Plan

**Chief Executive Office Risk Management Inspector General USE ONLY**

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.  
☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

LEO COSTANTINO

Signature:

AAA

Date:

12/23/13